

REMARKS

Applicant has canceled the claims 1 through 4 and 12 through 16 without prejudice and added new claims 17 through 22. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter (see paragraphs [0006], [00057], [0039] and [0097]). In addition, Applicant respectfully submits that the claims as amended would not be properly rejected based upon the art of record for the reasons set forth herein below.

The Examiner has rejected the claims 1 through 4 and 13 through 16 under 35 USC 103 as being obvious over Ogawa. Firstly, Applicant respectfully submits that Applicant's claims 17 through 22 comprise method claims and each of the elements therein is a method step. Still further, Applicant's review of Ogawa indicates that in Ogawa either a direct or alternating current high voltage, but not both at the same time, is applied in order to generate an electric field between the electrodes in the food preservation device (see page 4, first paragraph, third to the last line). In addition, Applicant respectfully submits that since the intent and function of Ogawa is to produce an electric field, the food products are not connected to the AC and DC voltages through the conductive food trays upon which the food is placed, as is required by Applicant's invention. Still further, Applicant respectfully submits that Ogawa does not disclose the three phases for cooling which is required by Applicant's invention as now claimed. Accordingly, Applicant respectfully submits that Applicant's invention as claimed is not obvious over Ogawa.

In addition, Applicant has carefully reviewed Yamamoto and respectfully submits that the construction of Yamamoto is substantially the same as Ogawa and is only for the purposes of applying an electric field to the food stuffs and also does not have three cooling phases as is required by Applicant's invention. Still further, Applicant respectfully submits that Yamamoto does not disclose the particular voltage amounts for the DC and AC voltages applied to the different kinds of foods and in the different cooling phases of Applicant's invention.

In view of the above, Applicant respectfully submits that the new claims 17 through 22 would not be anticipated by nor obvious over Ogawa or Yamamoto taken singly or in combination.

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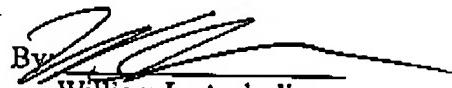
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Applicant further respectfully and retroactively requests a three (3) month extension of time to file this Request for Continued Examination and respectfully requests that the extension fee in the amount of \$555.00 (Fee Code: 2253) be charged to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

In view of the above, therefore, it is respectfully requested that this Amendment be entered as part of this Request for Continued Examination, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

Respectfully submitted,

By   
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